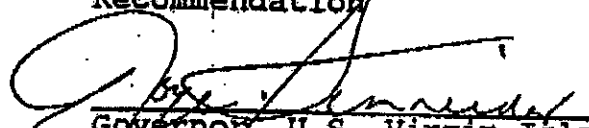


LAND PROTECTION PLAN

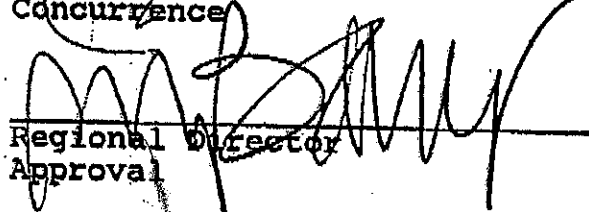
SALT RIVER BAY
NATIONAL HISTORICAL PARK
AND
ECOLOGICAL PRESERVE


Superintendent
Recommendation

02/17/95
Date


Governor, U.S. Virgin Islands
Concurrence

2.15.95
Date


Regional Director
Approval

2/24/00
Date

LAND PROTECTION PLAN
SALT RIVER BAY
NATIONAL HISTORICAL PARK
AND ECOLOGICAL PRESERVE

1994

LAND PROTECTION PLAN

Area: Salt River Bay National Historical Park and
Ecological Preserve
Saint Croix, United States Virgin Islands

Acreage: Federal Fee (NPS) 10.75
(includes 0.33 acres road right-of-way outside the
boundary)
Government of the Virgin Islands (fastlands) 58.03
Government of the Virgin Islands (submerged lands)
Private 600.00
(includes 4.11 acres road rights-of-way outside the
boundary) 280.56

Funding: Authorized: Act of November 10, 1993, appropriated
\$3,000,000 for land acquisition

Appropriated: (as of 12/31/93)	\$3,000,000
Obligated:	0
Unobligated Balance:	\$3,000,000

INTRODUCTION

In May 1982, the Department of the Interior published a policy statement in the Federal Register, for use of the Federal portion of the Land and Water Conservation Fund, which requires each agency responsible for land protection in federally administered areas to:

- Identify what lands or interests in land need to be in Federal ownership to achieve management purposes consistent with public objectives in the unit.
- To the maximum extent practical, use cost-effective alternatives to direct Federal purchase of private lands and, when acquisition is necessary, acquire or retain only the minimum interests necessary to meet management objectives.
- Cooperate with landowners, other Federal agencies, State and local governments, and the private sector to manage land for public use or protect it for resource conservation.
- Formulate, or revise as necessary, plans for land acquisition and resource use or protection to assure that sociocultural impacts are

National Park System, including but not limited to the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1. 2-4) and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461-467). If generally applicable provisions of those laws should conflict with the provisions of Title I of the Act of February 24, 1992 (P.L. 102-247), the provisions of said Title shall prevail (Section 105 [a]).

The area is required to be managed for the purpose of preserving, protecting, and interpreting terrestrial and marine historical, cultural, and natural sites and resources (Section 103 [b]).

The Secretary of the Interior (the Secretary) is authorized to acquire land and interests in land within the park's boundaries by donation, purchase with donated or appropriated funds, or by exchange. The Government of the U.S. Virgin Islands, in its partnership role, may also acquire lands within the boundaries of the park (Section 104 [a]). Lands, and interests in lands, within the boundaries of the park which are owned by the U.S. Virgin Islands, or any political subdivision thereof, may be acquired by the United States Government only by donation or exchange (Section 104 [b]).

Section 104 (b) also provides that lands, or interests therein, containing dwellings lying within the park boundary as of July 1, 1991, may not be acquired without the consent of the owner unless the Secretary determines, after consultation with the Government of the U.S. Virgin Islands, that the land is being developed or proposed to be developed in a manner which is detrimental to the natural, scenic, historic, and other values for which the park was established.

Section 106 established the ten-member Salt River Bay National Historical Park and Ecological Preserve at St. Croix, Virgin Islands, Commission with the Secretary and the Governor of the U.S. Virgin Islands as Chair (alternating annually), to recommend how lands and waters within the park can be jointly managed by the Governments of the U.S. Virgin Islands and the United States, to consult with the Secretary on the development of the General Management Plan (GMP), and to provide advice and recommendations to the Government of the U.S. Virgin Islands upon their request.

The Secretary, after consulting with the commission, is authorized to enter into cooperative agreements with the Government of the U.S. Virgin Islands, or any political subdivision thereof, for the management of the park and for other purposes (Section 105 [b]).

A GMP is to be developed, which shall specifically include plans for managing the natural and cultural resources of the park, implementing a continuing program of interpretation and visitor education, proposals for visitor use facilities, assessing the potential operation and supply of park concessions by qualified

stabilize, interpret and ensure an atmosphere respectful of the sanctity of burial sites.

Natural Resource Protection:

Maintain and restore (man impacted) natural, coastal, and marine ecosystems to sustain their dynamics.

Research:

Facilitate scientific research within the park to increase knowledge about the unique cultural and natural resources and enhance resource protection, interpretation, and management.

Training:

Provide for the training of residents of the U.S. Virgin Islands to institute and manage a Territorial Park System.

Area Relationship:

Ensure that the concerns and suggestions from U.S. Virgin Islands residents are solicited and fully considered in the development and management of the park.

U.S. Virgin Islands/National Park Service Relationship:

Cultivate a productive working partnership to develop a jointly managed world class U.S. Virgin Islands/NPS park at Salt River.

LAND PROTECTION ISSUES

Land acquisition funds (\$3 million) are available to acquire park lands. Establishing priorities for the use of available and subsequent funds to acquire authorized park lands and determining the need to acquire which lands represent major issues.

Another issue involves determining what, if any, private uses are compatible with the plans for public use and protection of the resources.

The final issue concerns determining the minimum interest and alternative methods to protect the resources and to provide visitor use.

If development is managed with adequate regard for the natural, historic, and scenic character of the area, it could yield substantive benefits for economic growth of the island, and possibly enhance, or at least not degrade the visitor experience or the prime resources. Development that is inconsistent with the historic, natural, or scenic character of the area--that does not take into account site, size, scale, and infrastructure needed to

permit to construct a 125-slip marina, with attendant dredging of the bay, was denied by the Legislature of the Virgin Islands in 1991.

A recent court ruling vacated the CZM permit and remanded the application to the St. Croix CZM Committee. To proceed any further, the Sugar Bay Land Development, Ltd. must apply for a new permit.

The Government of the United States has title to 10.75 acres, formerly owned by The Nature Conservancy and used by them as a bird sanctuary. Implementation of any or all phases of the development proposed by Sugar Bay Land Development, Inc., could adversely affect Salt River Bay's water quality, foraging habitat for endangered species, and coral reef ecosystem; disrupt the habitat for threatened and endangered resident and migratory birds in the tract owned by the U.S. Government; destroy prehistoric archaeological deposits (including burials); and pose a very significant visual intrusion on the natural and historic scene.

2. West side of bay -- mixed Waterfront-Pleasure and Industrial, low-density residential (R-1), and public.

The five-acre Columbus Landing Site, of the greatest historical and cultural significance, is owned by the Government of the Virgin Islands. Through historical and archaeological evidence, it represents a continuum of human history from early prehistoric times to the present. Its most important components are a prehistoric ceremonial ball court and a 17th-century triangular earthwork fortification.

LICA Holding Corporation, registered in Delaware, owns 13 lots totalling 11.90 acres. The most prominent feature of this largely-flat shoreline property is the tributary off of Salt River Bay. A marina, tavern, dive shop, and custom boat yard are already established. There is some likelihood that one or more shoreline tracts adjacent to the Columbus Landing Site may contain archaeological evidence of the 17th-century village site utilized in succession by the Dutch, English, and French.

Of the remaining small tracts, 14 (approximately 15.83 acres) are zoned residential and six (approximately 5.675 acres) are zone Waterfront-Pleasure. Eleven of the R-1 tracts surround the Columbus Landing Site. One other contains the ruins of a Danish customs house built circa 1788. The generally narrow-width W-1 tracts are bounded by Route 80 to the west and by Sugar Bay to the east. These tracts are presently not developed.

75. The southern flatlands, especially in the western area, is the terminus for drainage from the central hills on St. Croix into Salt River Bay. Diversion of these natural watercourses could adversely affect the vitality of fringing mangrove forests and stands of swamp ferns, increase siltation in the bay, and ultimately adversely affect the coral reef ecosystem including the submarine canyon. There is also the likelihood that suspected prehistoric and 17th-century archaeological sites would be destroyed by any ground disturbance.

5. Bay and open marine environment -- public.

The Government of the Virgin Islands has title to all submerged lands within the boundary of the park (approximately 600 acres). The marine environment consists of four zones: the bay proper, two inland tributaries formed by the Dyck peninsula (Triton Bay to the east and Sugar Bay to the west), and deep water bounded to the south by the submarine canyon wall enclosing the bay and to the north by the 300-foot depth contour. It is highly significant for its natural resources (foraging habitat for several endangered species, its coral reef system, and the ecosystems associated with the geologically-rare submarine canyon); the sea bed also contains several historic shipwrecks and maritime debris.

The marine environment contains a number of significant natural and cultural resources. Salt River Bay is fringed with mangrove forests, which serve to filter sedimentation from soil erosion and provide nurseries for fish and shellfish. The bed of the bay provides foraging material for species of endangered marine mammals. The submarine canyon and wall benefit from deep nutrient upwelling to foster the growth of a dynamic and diverse coral reef ecosystem, which in turn attracts a variety of fish and marine mammals ordinarily found offshore. All of these factors are very sensitive to change. While natural processes and cycles are to be expected, man-made alterations or intrusions to the above referenced and adjacent environments can and must be regulated to minimize, if not entirely avoid, adverse impacts.

COMPATIBLE AND INCOMPATIBLE USES OF NON-FEDERAL LAND WITHIN THE BOUNDARY

Public Law 102-247 established the Salt River Bay National Historical Park and Ecological Preserve to preserve, protect, and interpret nationally significant natural ecosystems and cultural resources. Private uses of the park that would perpetuate these values would generally be compatible with its purposes. Private development that took into account building heights, materials, amount of land disturbance, and interference with the visitor experience would generally be compatible. Activities that would

incorporating standards that do not impair natural or cultural values would be considered compatible.

PROTECTION ALTERNATIVES AND ANALYSIS

1. **Agreements**, as a land management tool, are written or verbal descriptions of how two or more parties will take certain actions. Agreements can provide for the exchange or transfer of services, funds, or benefits. Agreements require cooperation between the participating parties, and can be ended under terms and conditions as outlined in the agreement. Some elements that could be addressed in an agreement for land protection include access for resource management activities, routine maintenance or restoration, and interpretive services.

Advantages of agreements include the ability to establish cooperative management arrangements, their flexibility, and their relatively low cost. The disadvantages include the ability of one party to terminate on short notice, and the lack of permanent protection.

Within Salt River Bay, agreements may be useful in defining cooperative relationships with the Government of the Virgin Islands (a partner in management and a major landowner within the authorized boundary of the park) as authorized by section 105(b) of Public Law 102-247. Provisions for cooperative review of permit applications, monitoring, and enforcement of local zoning and environmental protection laws could be outlined in a formal agreement. Also, the issue of concurrent jurisdiction, currently under review by the Department of the Interior's Solicitor (the Solicitor), could be formalized in an agreement with the Government of the U.S. Virgin Islands.

Agreements in the form of memorandum of understanding or cooperative agreements may be helpful to ensure the preservation of irreplaceable resources owned by a public agency. In particular, the NPS and the Government of the Virgin Islands could enter into an agreement defining long-term protection and management of the Columbus Landing Site. Similar arrangements for other resources could be employed with nonprofit organizations such as The Nature Conservancy or the Saint Croix Environmental Association.

2. **Technical Assistance and Education** involves providing information about land protection techniques and requirements, and encouraging voluntary actions to reduce adverse impacts of development. By providing landowners with technical information about natural resources, soils, and appropriate construction methods, it may be possible to encourage development that is harmonious with protection objectives.

3. **Local Land Use (zoning), Laws, and Regulations.** Properties within the boundaries of Salt River Bay National Historical Park

National Historic Preservation Act, as amended (P.L. 89-665, 80 Stat. 915, 16 U.S.C. 470 et seq.; especially Sections 106 and 110, which deal with properties enrolled or eligible for inclusion in the National Register of Historic Places and the National Historic Landmark Program, respectively), the implementation of which is required by Section 105 (c)(2)(C) of P.L. 102-247.

Endangered Species Act, as amended (P.L. 100-478; especially Section 7 [a][2] and [c], which deals with the protection of habitat).

Abandoned Shipwreck Act (P.L. 100-298, 102 Stat. 432) and Guidelines (55 F.R. 50116).

Protection of Wetlands (Executive Order 11990).

Floodplain Management (Executive Order 11988).

Estuary Protection Act of 1968 (P.L. 90-454, 82 Stat. 625, 16 U.S.C. 1221).

Rivers and Harbors Act, as amended 1982 (33 U.S.C. 401-403).

Clean Water Act and Federal Water Quality Act of 1987 (P.L. 92-500, P.L. 100-433, 86 Stat. 816, U.S.C. 9 Sec. 1251 et seq., as amended, 33 U.S.C. Sec. 1251-1376--these are administered through the Virgin Island's Department of Planning and Natural Resources, Division of Environmental Protection).

National Environmental Policy Act of 1969 (P.L. 91-190, 42 U.S.C. 4321 et seq., 83 Stat. 852, 42 U.S.C. 4332, as amended).

With concurrent jurisdiction NPS authority would extend to include the following laws and regulations of the U.S. Virgin Islands:

The Indigenous and Endangered Species Act of 1990 (Title 12, Virgin Islands Code, Chapter 2).

Environmental Laws and Regulations of the Virgin Islands (Title 12, especially Chapter 7, Sections 186-1[d]; 186-3[b][1], [4], [8], and [11]; and 186-7, which deal with water quality).

Act 5567 (25 V.I.C., Sects. 401-412, which regulates the long-term mooring of vessels).

Diligently enforcing various levels of laws and regulations holds the promise of protecting key resources without the need to acquire land or interests in land. Effective enforcement may depend upon

Purchase

Acquisition by purchase requires funds to be appropriated by Congress or donated from private sources. Funding for purchases depends primarily on future appropriations. Three million dollars have been appropriated; so far, no purchases have been made.

Exchange

Land or interests in land may be acquired by exchange. Land to be exchanged must be of approximately equal value. Differences in value may be equalized by making cash payments, subject to the availability of funds. This method may be an attractive one for the acquisition of the Sugar Bay Land Development property (Tract 101-29) and those properties owned by the Government of the Virgin Islands.

Condemnation

Public Law 102-247 authorized the Secretary of the Department of the Interior, after consultation with the Government of the Virgin Islands, to acquire without the consent of the owner, lands or interests in lands containing dwellings lying within the park's boundaries as of July 1, 1991, if the land is being developed or is proposed to be developed in a manner which is detrimental to the resources.

Where land or interests in land are to be purchased, every effort will be made to reach a price agreement with the owner. However, condemnation authority may be used to clear title, establish just compensation, or prevent imminent harm to resources when other methods are inadequate. This judicial process assures the landowner of just compensation when private land is acquired for NPS purposes. Condemnation actions may take one of the following two forms:

- Complaint Process: Through this process, title does not transfer to the Federal Government until the court action is complete and judgement is rendered.
- Declaration of Taking: Through this process, the government obtains immediate title, control, and possession of the land. A declaration of taking vests title to property in the United States immediately upon filing in the court and the deposit of an estimate of just compensation. A portion of this deposit may be withdrawn by the owner as approved by the court.

Relocation Benefits

The Uniform Relocation Act, Public Law 91-646, as amended, provides for the uniform and equitable treatment of persons

Further degradation to the natural environment, however, could be controlled through the acquisition of an existing disturbed area for visitor use and administrative purposes. An area of sufficient size is needed to accommodate the joint management efforts of the NPS and the Territorial Government. This area should also be in close proximity to the Columbus Landing Site, the prime cultural resource of the park. This site would also require easy access by public roads and one that has a basic infrastructure thus reducing the costs of providing public facilities.

This "national historical park" commemorates the Caribbean cultures of the mid-millennium, the advent of Columbus, and the waves of European cultures that followed Columbus' exploration. Several areas within the boundary exemplify these key cultural times and events. Their protection and interpretation will be vital to the proper protection and management of the park.

This "ecological preserve" contains a number of natural features that contribute to the special quality of the park. The wetlands, the mangroves, and Salt River Bay itself comprise these special features. The acquisition and protection of these areas will be critical to the proper management of the park.

Areas which display a combination of natural and cultural features, but lack the key resources, comprise another grouping. These areas are important to the drainage system that flows through the wetlands and the mangroves into the bay. This area also displays important cultural resources but they are not as special as those contained on tracts that feature, for example, the Columbus Landing Site. Protection of these areas, however, are integral to the complete understanding and protection of the park's resources.

The final priority for protection addresses opportunities for compatible private development. Given certain types of development and performance standards, some areas of the preserve could sustain private residential development. Although this area is important to the overall health and integrity of the resource, private land disturbing activities could occur that would not destroy vital natural or cultural resources, nor would the visitor's experience of the park be compromised. Visitor access to this area would not be necessary to the proper operation of the park. Limited administrative access might be required. The adoption of supplemental local land use controls would be preferable to acquiring easements to ensure these controls.

Priority 1

Area needed to establish an administrative presence, provide on-site protection of cultural and natural resources, and provide visitor use facilities.

of 17th- and 18th-century cultural resources comprise this grouping.

A large portion of Tract 101-20 and Tracts 101-19, 21, and 22 are located along the main road leading onto the preserve. This flat area contributes to the overall health and integrity of the marine system by providing a drainage area into the wetlands, mangroves, and bay. It also contains important elements of the colonial history of the island. Acquisition of fee of this area will ensure that these resources are protected.

Priority 4

Protection of areas that could sustain limited private development compatible with the management objectives of the preserve. Not all areas of the preserve necessitate public ownership. Tract 101-25 and a significant portion of Tract 101-24, if developed properly, could sustain changes in land use. Since it is not anticipated that visitor use nor limitless administrative access is needed here, private residential development could continue and increase. The NPS would cooperate with the Government of the Virgin Islands to adopt building regulations to limit the number of structures and how the structures were designed and sited. Intrusions to the visitor's experience in the preserve and the impacts on the natural systems would be carefully considered. Protection strategies undertaken on these tracts would not constitute "no action." On the contrary, the NPS, Government of the Virgin Islands, and the landowners would actively seek measures to sustain development in harmony with the protection of the resources. The absence of known key natural or cultural resources places these tracts in the fourth priority despite their central location.

Emergencies and Hardships:

It is not possible to predict in advance when landowners may be subject to hardships that required them to dispose of land or improvements in land, or to know when actions by landowners may cause significant or irreparable harm to resources. Accordingly, both emergencies and hardships will be reviewed on a case-by-case basis as they arise and will not affect the overall setting of priorities. Furthermore, in implementing the LPP, the NPS will consider offers to sell that are advantageous to the government.

Biennial Update:

The NPS will update the LPP every two years and evaluate the effectiveness of the protection recommendations. Particular attention will be paid to how well laws and regulations have protected key natural resource, such as wetlands, floodplains, mangroves, and the beaches (turtle nesting areas). If these mechanisms prove inadequate, other options, including fee simple acquisition, will be explored.

LAND PROTECTION PLAN

TRACTS

The following list illustrates four priorities for the orderly protection of lands and waters within the authorized boundary of Salt River Bay National Historical Park and Ecological Preserve. The groups within each priority are in the order described in the Land Protection Plan. The individual tracts are listed in numerical order.

In accordance with the Department of the Interior's guidelines on hazardous waste, no property may be acquired by the Federal Government that has not been subject to a hazardous materials survey.

PRIORITY 1

<u>TRACT</u>	<u>OWNER</u>	<u>ACRES</u>	<u>INTEREST/ METHOD</u>
MARINA			
101-11	LICA Holding Corp.	11.90	Fee
(Estate Salt River Plots 1, 1A, 2, 6, 7 and Estate Morningstar Plots 2A, 2B, 3B, 5B)			

PRIORITY 2

<u>TRACT</u>	<u>OWNER</u>	<u>ACRES</u>	<u>INTEREST/ METHOD</u>
PRIME CULTURAL RESOURCES			
101-08	Govt. of the Virgin Islands (Estate Salt River Plot 5)	5.00	Remain in public ownership
101-09	Fender, Janet A., et vir* (Estate Salt River Plot 29) (*et vir = and husband)	1.08	Fee
101-10	Saitta, William W. (Estate Salt River Plot 30)	1.71	Fee
101-11	LICA Holding Corp. (Estate Salt River Plots 8, 9, 10, 11)	11.90 (portion)	Fee

<u>TRACT</u>	<u>OWNER</u>	<u>ACRES</u>	<u>INTEREST/ METHOD</u>
PRIME NATURAL RESOURCES			
101-01	Govt. of the Virgin Islands	600.00	Remain in public ownership
101-02	K. Clements (Estate Salt River Plots 18, 19, 20)	1.71	Laws and Regulations
101-03	Kumpitch, Peter M., et ux (Estate Salt River Plot 14) (**et ux = and wife)	1.32	Laws and Regulations
101-12	Thomas, George E. (Estate Morningstar Plot 3A)	0.13	Laws and Regulations
101-13	Haines, Kenneth C. (Estate Morningstar Plots 30, 31)	0.76	Laws and Regulations
101-17	Virgin Trade Winds (Estate Morningstar Plot 25)	0.10	Laws and Regulations
101-18	Newkirk, William W., et ux (Estate Morningstar Plots 22, 23)	2.41	Laws and Regulations
101-20	Columbus Bay Marina, Ltd. (Estate Montpelier Plot 14)	106.48 (portion)	Laws and Regulations
101-24	Dyck, Manfred F., et ux (Estate Montpelier Plot 15)	58.10 (portion)	Laws and Regulations
101-27	Moseley, Thomas J. (Estate Judith's Fancy Plots 330, 346)	1.11	Laws and Regulations
101-28	Norgrove, Herminia (Estate Judith's Fancy Plot 345)	0.50	Laws and Regulations

PRIORITY 3

COMBINATION OF CULTURAL RESOURCES AND NATURAL RESOURCE DRAINAGE AREA

<u>TRACT</u>	<u>OWNER</u>	<u>ACRES</u>	<u>INTEREST/ METHOD</u>
101-19	The Nature Conservancy (Estate Montpelier Plot 16)	0.56	Fee

ENVIRONMENTAL ASSESSMENT

PURPOSE AND NEED FOR THE PLAN

In May 1982, the Department of the Interior published in the Federal Register, a policy statement for use of the Federal portion of the Land and Water Conservation Fund, which requires each agency responsible for land protection in federally administered areas to:

- Identify what lands or interests in land need to be in Federal ownership to achieve management purposes consistent with public objectives in the unit.
- To the maximum extent practical, use cost-effective alternatives to direct Federal purchase of private lands and, when acquisition is necessary, acquire or retain only the minimum interests necessary to meet management objectives.
- Cooperate with landowners, other Federal agencies, State and local governments, and the private sector to manage land for public use or protect it for resource conservation.
- Formulate, or revise as necessary, plans for land acquisition and resource use or protection to assure that sociocultural impacts are considered and that the most outstanding areas are adequately managed.

In response to this policy, the NPS has prepared an LPP for Salt River Bay National Historical Park and Ecological Preserve to identify land protection alternatives to assure the protection of historic, scenic, cultural, or other significant resources, and to provide for adequate visitor use and administrative needs. The plan has been prepared in compliance with relevant legislation, other Congressional guidelines, executive orders, and Departmental and NPS policies. It does not constitute an offer to purchase land or interests in land and does not diminish any rights of landowners. It will guide future actions by the NPS, subject to the availability of funds.

AFFECTED ENVIRONMENT

Salt River Bay National Historical Park and Ecological Preserve is located on Saint Croix, United States Virgin Islands. The park may be divided into five fairly distinctive areas.

The area on the east side of Salt River Bay is comprised of a flat shoreline commanded by a hill in the northeast. Significant cultural (e.g. an archeological site at the Cape of the Arrows) and natural (e.g. bird sanctuary) features dominate the area.

The area on the west side of Salt River Bay contains a sandy beach, mangroves, the site of a ceremonial Amerindian ball court, the

need to acquire all the land in fee. Fee acquisition of the area recommended for the administrative presence is key to allowing Federal and Territorial authorities to monitor closely the park and its resources.

The development and adoption by the Government of the Virgin Islands of park-specific building regulations and restrictions for private property within park boundaries would permit compatible development within one area of the park (the Dyck peninsula--a portion of Tract 101-24 and Tract 101-25). Compatible development could proceed that would not prove detrimental to the park's cultural and natural resources nor detract from the visitor's experience.

Continued ownership of the park's submerged lands and some fastlands areas by the Government of the Virgin Islands fits into the congressional intent of joint management. The sharing of concurrent jurisdiction and the development of an on-site presence will strengthen the capacity of the Government of the Virgin Islands to co-manage the park. The Government of the Virgin Islands will play an important role in land acquisition activities.

Easements will not be effective in providing an administrative area or providing visitor access. Easements may be effective in preserving and protecting significant cultural and natural resources, where private limited development would not denigrate those resources.

Until lands are acquired, the NPS and the Government of the Virgin Islands will not discourage landowners to engage in activities that will not adversely affect the resources.

The NPS will coordinate with Territorial agencies and other Federal agencies, to ensure that actions taken in the Salt River watershed will not have detrimental effects on park resources. Federal and Territorial agencies will be afforded the opportunity to review and comment upon the draft LPP. In implementation of Section 106 of the National Historic Preservation Act of 1966, as amended, both the Territory's Historic Preservation Officer and the Advisory Council on Historic Preservation will be consulted.

If neither the NPS nor the Government of the Virgin Islands takes action on these tracts, significant cultural and natural resources will be lost.

ENVIRONMENTAL CONSEQUENCES

1. Impacts on Land Use

The implementation of this plan will help maintain and enhance the quality of the natural and historical setting of the park. In all likelihood, current land uses within the boundaries of the

protection and visitor enjoyment of the park when applied to areas that could sustain some level of residential development. Both zoning and enforcement of laws and regulations are dependent upon the ability of the managing agency to carry out its responsibilities and the willingness of private landowners to live up to the spirit as well as the intent of the laws and regulations.

Easements could afford protection of cultural and natural resources but would probably limit visitor access to these areas. The enforcement of easements would entail continual or periodic monitoring on the part of the NPS or the Government of the Virgin Islands. The effectiveness of the easements to protect cultural or natural resources would be based on how well they would be monitored and the type of rights that would need to be acquired.

Public fee acquisition would provide the surest level of protection of lands and waters containing wetlands, floodplains, cultural resources, and rare and endangered species provided that adequate funding for purchase were provided and sufficient staff assigned to the park. Given the uncertainty about land acquisition funding and staffing, other means must be sought to protect these resources in concert with selected land acquisition. The diligent enforcement of Federal and Territorial laws and regulations (contingent upon concurrent jurisdiction and an on-site presence) will provide a high level of protection. Acquisition of easements to protect these resources could also provide some assurances of protection. Depending solely upon the good will of landowners probably would not be adequate in the long term.

3. Impact on Landowners

Acquisition in fee of developed commercial properties within the boundary will result in the displacement of two businesses. While both are expected to be able to relocate on the island, some concern has been expressed about finding suitable locations.

Working with landowners through technical assistance, education, or agreements could have a minimal effect on their landholdings. The effects would be measured in the type of suggestions followed by individual landowners and how long those efforts would be sustained.

The impact on landowners in regard to adherence to Federal and Territorial laws and regulations and zoning regulations would not be substantially different than other Territorial landowners. Monitoring and enforcement of laws and regulations would be contingent upon the presence of park staff and the cooperation of agencies primarily responsible for those laws and regulations (for example, the U.S. Fish and Wildlife Service has primary responsibility for the Endangered Species Act).

APPENDIX A

DEVELOPING A LAND PROTECTION STRATEGY-- AN EXPLANATION AND A GLOSSARY OF TERMS (from New Tools for Land Protection: An Introductory Handbook, U.S. Department of the Interior, 1982)

Finding the right protection tool to achieve a land management objective requires craftsmanship. In the land protection business, craftsmanship is the ability to mold and refine a variety of tools into a strategy to fit the special circumstances of an individual area, like the Salt River Bay National Historical Park and Ecological Preserve.

The process of developing a protection strategy should address six basic questions:

What public uses are planned for the land (public access, preservation of wildlife, protection of a scenic vista)?

What private uses may be compatible?

What are the current controls over uses of land which may conflict with public objectives (zoning, physical constraints, market conditions, regulations)?

What, if any, additional controls are needed to assure that conflicts with public objectives are avoided?

What, if any, interests in land need to be in public ownership to assure adequate protection of the resource?

How can the necessary interests in land be acquired at lowest cost, consistent with protection of landowner rights (donation, exchange, outright purchase)?

The answers to these questions may reveal that private uses can be compatible with private objectives, suggesting that educational efforts on sound land management practices are sufficient. If current regulations provide a level of protection that is almost adequate but they do not provide the real assurances of permanent protection required, the regulations can be strengthened or some interest in land could be acquired. Where public access is needed and private use is incompatible, the land may need to be in public ownership, but acquisition could be through donation or exchange.

The answers to these questions provide the basic information for determining the range of tools that may do the job.

Technical Assistance involves providing information, advice, and ideas to individuals or groups requesting help. Technical assistance efforts may be directed at individual landowners by

subdivision on public services such as police, fire, schools, parks, and water supply.

Air and Water Pollution Controls Federal, Territorial, and local air quality, water quality, and hazardous waste disposal regulations restrict the discharge of pollutants into the environment. The most notable Federal air, water, and hazardous waste laws enacted in recent years are the Clean Air Act, Clean Water Act, and Resource Conservation and Recovery Act. Territorial and local governments often administer comparable laws that may be of use to Federal land managers seeking to protect resource lands from damage resulting from external sources.

Other Regulations Aside from air and water pollution controls, Federal, Territorial, and local governments administer a variety of other laws that can help protect park resources. Regulations cannot usually provide for public use, but they can prevent harm to natural or cultural resources. For example, Federal and local regulations often impose strict limits on dredging or filling of wetlands which would destroy wildlife habitat or degrade water quality.

Fee Acquisition Property ownership can be envisioned as a bundle of rights. These include the right to farm, cut trees, build houses, or mine the land and exclude others from it. When all of the interests in land are acquired, it is owned in fee simple. Fee acquisition may be recommended when other methods of protection have been found to be inadequate, inefficient, or ineffective to meet management needs. Fee acquisition is most often appropriate where the land:

- is needed for development of park facilities or heavy public use

- must be maintained in pristine natural conditions which precludes reasonable private use

- requires intense public management to preserve historic resources, eliminate exotic species, or conduct other activities which substantially conflict with private use

- cannot be protected in accord with park purposes by other methods, or alternatives would not be cost-effective.

Easements The bundle of property rights can be separated and leased, sold, or donated to other parties. Each of these rights constitutes a less-than-fee interest in the property. Easements are the most common type of less-than-fee interest for conservation purposes. An easement is a legally enforceable interest in land created by a transfer (a grant, reservation, or conveyance).

Protect scenic vistas

1. Limit incompatible land use, e.g. logging, mining, dams, utilities, high structures, roads, commercial facilities
2. Encourage desirable land use, e.g. agricultural, forestry, low-density housing developments
3. Maintain viewpoints--remove trees, brush
4. Provide access to viewpoints
5. Limit changes in vegetation

Protect native plant and animal species

1. Manipulate vegetation/fauna: burning, predator removal, competitor removal
2. Prevent incompatible development
3. Retain (or remove) natural water quality and quantity
4. Restrict access--vehicular, horse, foot
5. Improve habitat
6. Maintain buffer zones

Preserve for scientific study

1. Manipulate vegetation/fauna: burning, predator removal, competitor removal
2. Prevent incompatible development
3. Retain (or remove) natural water quality and quantity
4. Restrict access--vehicular, horse, foot
5. Improve habitat
6. Maintain buffer zones
7. Allow access for researchers
8. Allow access for science class demonstrations
9. Restrict other access

Manage for multiple use

1. Prohibit vandalism--fence, post a guard
2. Manage wildlife: improve habitats, openings
3. Manage watershed: vegetation manipulation, water transportation systems
4. Manage for recreation: access, facilities, maintenance

APPENDIX C

LAND PROTECTION PLAN SUMMARY

1. Current Ownership

Federal (NPS jurisdiction)	10.75 acres
(other Federal)	7.90
Territorial	658.03
Private	272.66
(includes 4.11 acres road right-of-way outside boundary)	
2. Number of Tracts Remaining to be Protected 27
3. Methods of Protection Proposed

Fee acquisition (includes transfer of other Federal lands)	208.94 acres
Laws and Regulations	8.04
Remain in Territorial ownership	658.03
Remain in private ownership	59.11
4. Statutory Acreage Ceiling 912 acres
5. Funding Status (as of June 30, 1994)

Authorized acquisition ceiling	N/A
Appropriated	\$3,000,000
Obligated	-0-
Unobligated balance	\$3,000,000
6. Top Priority

Privately-owned Tract 101-11 to establish an administrative presence, protect resources, enforce laws and regulations, and serve visitors
7. Special Considerations

Portions of tracts recommended for fee acquisition should be protected through laws and regulations. Refer to the tract listing on pages 21 to 24.

Hundred Second Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Friday, the third day of January,
one thousand nine hundred and ninety-two*

An Act

To provide for the establishment of the St. Croix, Virgin Islands Historical Park and Ecological Preserve, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Omnibus Insular Areas Act of 1992".

TITLE I—SALT RIVER BAY NATIONAL HISTORICAL PARK AND ECOLOGICAL PRESERVE AT ST. CROIX, VIRGIN ISLANDS

SEC. 101. SHORT TITLE.

This title may be cited as the "Salt River Bay National Historical Park and Ecological Preserve at St. Croix, Virgin Islands, Act of 1992".

SEC. 102. FINDINGS.

The Congress finds that the Salt River Bay area of the north central coast of St. Croix, United States Virgin Islands—

(1) has been inhabited, possibly as far back as 2000 B.C., and encompasses all major cultural periods in the United States Virgin Islands;

(2) contains the only ceremonial ball court ever discovered in the Lesser Antilles, village middens, and burial grounds which can provide evidence for the interpretation of Caribbean life prior to Columbus;

(3) is the only known site where members of the Columbus expeditions set foot on what is now United States territory;

(4) was a focal point of various European attempts to colonize the area during the post-Columbian period and contains sites of Spanish, French, Dutch, English, and Danish settlements, including Fort Sale, one of the few remaining earthwork fortifications in the Western Hemisphere;

(5) presents an outstanding opportunity to preserve and interpret Caribbean history and culture, including the impact of European exploration and settlement;

(6) has been a national natural landmark since February 1980 and has been nominated for acquisition as a nationally significant wildlife habitat;

(7) contains the largest remaining mangrove forest in the United States Virgin Islands and a variety of tropical marine and terrestrial ecosystems which should be preserved and kept unimpaired for the benefit of present and future generations; and

(8) is worthy of a comprehensive preservation effort that should be carried out in partnership between the Federal Government and the Government of the United States Virgin Islands.

(c) **GENERAL MANAGEMENT PLAN.**—(1) Not later than 3 years after the date funds are made available for this subsection, the Secretary, in consultation with the Commission, and with public involvement, shall develop and submit to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives a general management plan for the park. The general management plan shall describe the appropriate protection, management, uses, and development of the park consistent with the purposes of this title.

(2) The general management plan shall include, but not be limited to, the following:

(A) Plans for implementation of a continuing program of interpretation and visitor education about the resources and values of the park.

(B) Proposals for visitor use facilities to be developed for the park.

(C) Plans for management of the natural and cultural resources of the park, with particular emphasis on the preservation of both the cultural and natural resources and long-term scientific study of terrestrial, marine, and archeological resources, giving high priority to the enforcement of the provisions of the Archeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.) and the National Historic Preservation Act (16 U.S.C. 470 et seq.) within the park. The natural and cultural resources management plans shall be prepared in consultation with the Virgin Islands Division of Archeology and Historic Preservation.

(D) Proposals for assessing the potential operation and supply of park concessions by qualified Virgin Islands-owned businesses.

(E) Plans for the training of personnel in accordance with subsection (e).

(d) **TRAINING ASSISTANCE.**—During the 10-year period beginning on the date of enactment of this title, the Secretary shall, subject to appropriations, provide the funds for the employees of the Government of the United States Virgin Islands directly engaged in the joint management of the park and shall implement, in consultation with the Government of the United States Virgin Islands, a program under which Virgin Islands citizens may be trained in all phases of park operations and management: *Provided, however,* That in no event shall the Secretary provide more than 50 percent of the funding for such purposes. A primary objective of the program shall be to train employees in the skills necessary for operating and managing a Virgin Islands Territorial Park System.

SEC. 106. SALT RIVER BAY NATIONAL HISTORICAL PARK AND ECOLOGICAL PRESERVE AT ST. CROIX, VIRGIN ISLANDS, COMMISSION.

(a) **ESTABLISHMENT.**—There is established a commission to be known as the Salt River Bay National Historical Park and Ecological Preserve at St. Croix, Virgin Islands, Commission.

(b) **DUTIES.**—The Commission shall—

(1) make recommendations on how all lands and waters within the boundaries of the park can be jointly managed

(i) **TERMINATION.**—The Commission shall terminate 10 years after the date of enactment of this title unless the Secretary determines that it is necessary to continue consulting with the Commission in carrying out the purposes of this title.

SEC. 107. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out this title.

TITLE II—INSULAR AREAS DISASTER SURVIVAL AND RECOVERY

SEC. 201. DEFINITIONS.

As used in this title—

(1) the term "insular area" means any of the following: American Samoa, the Federated States of Micronesia, Guam, the Marshall Islands, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and the Virgin Islands;

(2) the term "disaster" means a declaration of a major disaster by the President after September 1, 1989, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170); and

(3) the term "Secretary" means the Secretary of the Interior.

SEC. 202. AUTHORIZATION.

There are hereby authorized to be appropriated to the Secretary such sums as may be necessary to—

(1) reconstruct essential public facilities damaged by disasters in the insular areas that occurred prior to the date of the enactment of this Act; and

(2) enhance the survivability of essential public facilities in the event of disasters in the insular areas.

except that with respect to the disaster declared by the President in the case of Hurricane Hugo, September 1989, amounts for any fiscal year shall not exceed 25 percent of the estimated aggregate amount of grants to be made under sections 403 and 406 of The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b, 5172) for such disaster. Such sums shall remain available until expended.

SEC. 203. TECHNICAL ASSISTANCE.

(a) Upon the declaration by the President of a disaster in an insular area, the President, acting through the Director of the Federal Emergency Management Agency, shall assess, in cooperation with the Secretary and chief executive of such insular area, the capability of the insular government to respond to the disaster, including the capability to assess damage; coordinate activities with Federal agencies, particularly the Federal Emergency Management Agency; develop recovery plans, including recommendations for enhancing the survivability of essential infrastructure; negotiate and manage reconstruction contracts; and prevent the misuse of funds. If the President finds that the insular government lacks any of these or other capabilities essential to the recovery effort, then the President shall provide technical assistance to the insular area which the President deems necessary for the recovery effort.

(b) One year following the declaration by the President of a disaster in an insular area, the Secretary, in consultation with the Director of the Federal Emergency Management Agency, shall